

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,709	06/29/2001	Lambert Danner	016790-0430	5834
22428 75	590 10/21/2003		EXAMINER	
FOLEY AND	LARDNER		SUGARMAI	N, SCOTT J
SUITE 500 3000 K STREE	T NW		ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 20007		2873	***
			DATE MAILED: 10/21/200	2

Please find below and/or attached an Office communication concerning this application or proceeding.

The request for deferral/suspension of action under 37 CFR 1.103 has been approved.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

22428

7590

05/06/2003

FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007 SUGARMAN, SCOTT J

ART UNIT CLASS-SUBCLASS

356-369000

DATE MAILED: 05/06/2003

2873

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,709	06/29/2001	Lambert Danner	016790-0430	5834

TITLE OF INVENTION: SPECTRAL ELLIPSOMETER HAVING A REFRACTIVE ILLUMINATING OPTICAL SYSTEM

APPLN, TYPE	SMALL ENTITY	' ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$300	\$1600	08/06/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. <u>PROSECUTION ON THE MERITS IS CLOSED</u>, THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- □ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE Commissioner for Patents

Commissioner for Patents
Alexandria, Virginia 22313-1450

Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

maintenance fee notification							
	E ADDRESS (Note: Legibly mark- 90 05/06/2003	up with any corrections or use i	Block 1)	Note: A certificat Fee(s) Transmit	e of mailing can only be used for tal. This certificate cannot opers. Each additional paper, s	or domestic mailings of the	
FOLEY AND LA				accompanying pa	apers. Each additional paper, so must have its own certificate of n	uch as an assignment or	
SUITE 500	IKDIVEK			- -		_	
3000 K STREET N	W			I hereby certify	Certificate of Mailing or Trans that this Fee(s) Transmittal is	being deposited with the	
WASHINGTON, D				United States Pos envelope address	that this Fee(s) Transmittal is tal Service with sufficient posta ed to the Box Issue Fee address USPTO, on the date indicated b	ge for first class mail in an above, or being facsimile	
		•		transmitted to the	OSP 10, on the date indicated b	(Depositor's name)	
						(Signature)	
						(Date)	
APPLICATION NO.	FILING DATE	FIRS	T NAMED INVEN	ror	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/893,709	06/29/2001	•	Lambert Danner	***************************************	016790-0430	5834	
TITLE OF INVENTION: SE	PECTRAL ELLIPSOMETI	ER HAVING A REFRA	CTIVE ILLUMIN	IATING OPTICAL	. SYSTEM		
					•		
APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLI	CATION FEE	TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	NO	\$1300		\$300	\$1600	08/06/2003	
EXAMIN	JED.	ADTIBIT	CLASS-SUBCI	, ACC		•	
- SUGARMAN		2873	356-36900		. ,		
	·						
1. Change of corresponden CFR 1.363).	ce address or indication of	"Fee Address" (37		on the patent from to 3 registered pa			
☐ Change of corresponde	nce address (or Change of	Correspondence	or agents OR, alternatively, (2) the name of a single firm (having as a member a registered				
	ence address (or Change of 22) attached.			ving as a membe int) and the name		· · · · · · · · · · · · · · · · · · ·	
PTO/SB/47; Rev 03-02 on Number is required.	on (or "Fee Address" Indic or more recent) attached. U	ation form se of a Customer	registered paten	t attorneys or agen e will be printed.			
3. ASSIGNEE NAME AND	RESIDENCE DATA TO	RE PRINTED ON THE	PATENT (print o	r tyne)	·		
			•	•• /	assignee data is only appropriat	e when an assignment has	
been previously submitted	to the USPTO or is being s	ubmitted under separate	cover. Completic	n of this form is NO	OT a substitute for filing an assig	mment.	
(A) NAME OF ASSIGNED	•	(B) KE	SIDENCE: (CIT)	and STATE OR C	OUNIKY)		
*							
Please check the appropriate	assignee category or categ	ories (will not be printed	d on the patent)	individual	corporation or other private g	roup entity 🚨 government	
4a. The following fee(s) are	enclosed:	4b. Pay	ment of Fee(s):				
☐ Issue Fee		☐ A ch	neck in the amount	of the fee(s) is enc	losed.		
☐ Publication Fee		☐ Payr	nent by credit care	l. Form PTO-2038	is attached.		
☐ Advance Order - # of Co	opies	☐ The Deposi	Commissioner is t t Account Numbe	nereby authorized b r	y charge the required fee(s), or o (enclose an extra copy of this	credit any overpayment, to form).	
Commissioner for Patents is	requested to apply the Issu	e Fee and Publication F	ee (if any) or to re	apply any previou	sly paid issue fee to the applicat	ion identified above.	
(Authorized Signature)	<u>-</u>	(Date)				4	
()		(=)					
NOTE; The Issue Fee and other than the applicant; interest as shown by the red	Publication Fee (if requia registered attorney or a	red) will not be accept gent; or the assignee o	ed from anyone r other party in				
This collection of informa obtain or retain a benefit application. Confidentiality estimated to take 12 minut completed application for case. Any compense of the complete of the compense of	by the public which is to is governed by 35 U.S.C. es to complete, including to the USPTO. Time was	file (and by the USPTO 122 and 37 CFR 1.14. 1 gathering, preparing, an	O to process) an This collection is d submitting the				
case. Any comments on suggestions for reducing the Patent and Trademark (22313-1450. DO NOT S SEND TO: Commissioner	the amount of time you	require to complete to	his form and/or	•		-	
Patent and Trademark (Office, U.S. Department	of Commerce, Alexa	andria, Virginia				
Under the Paperwork Recollection of information un	duction Act of 1995, no nless it displays a valid OM	persons are required to B control number.	to respond to a				



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09/893,709 06/29/2001		5/29/2001	Lambert Danner	016790-0430	5834
. 22428	7590	05/06/2003		EXAMINER	
FOLEY AND SUITE 500	LARDNE	R		SUGARMAN,	SCOTT J
3000 K STREE	TNW			ART UNIT	PAPER NUMBER
WASHINGTO	N, DC 2000	7		2873	
				DATE MAILED: 05/06/2003	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 53 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 53 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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3000 K STREE	TNW			ART UNIT	PAPER NUMBER
WASHINGTO		07		2873	
UNITED STAT	i es			DATE MAILED: 05/06/2003	

Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: http://www.uspto.gov/main/howtofees.htm.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

			XIc.						
	Application No.	Applicant(s)							
AL 41 CAN. LUIA.	09/893,709	DANNER ET AL.							
Notice of Allowability	Examiner	Art Unit							
•	Scott J. Sugarman	2873							
The MAILING DATE of this communication appears on the cover sheet with the correspondenc address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.									
1. This communication is responsive to the amendment of No.	ovember 4, 2002.								
2. The allowed claim(s) is/are <u>1-9</u> .	·								
3. The drawings filed on 29 June 2001 are accepted by the E	xaminer.								
4. ☑ Acknowledgment is made of a claim for foreign priority und a) ☑ All b) ☐ Some* c) ☐ None of the:	ler 35 U.S.C. § 119(a)-(d) or (f).								
1. Certified copies of the priority documents have	been received.		,						
2. Certified copies of the priority documents have	been received in Application No.	· ·							
 Copies of the certified copies of the priority documents International Bureau (PCT Rule 17.2(a)). 	cuments have been received in this	national stage applica	tion from the						
* Certified copies not received:									
5. Acknowledgment is made of a claim for domestic priority ur	nder 35 U.S.C. § 119(e) (to a provisi	onal application).							
(a) The translation of the foreign language provisional a									
6. Acknowledgment is made of a claim for domestic priority ur	nder 35 U.S.C. §§ 120 and/or 121.								
Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of the complyment of the complex of the com	this communication to file a reply co	omplying with the requ	irements noted EXTENDABLE.						
7. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which gives reas	nitted. Note the attached EXAMINER on(s) why the oath or declaration is	'S AMENDMENT or N deficient.	NOTICE OF						
 8. CORRECTED DRAWINGS must be submitted. (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No. 	son's Patent Drawing Review (PTO-	.948) attached							
(b) ☐ including changes required by the proposed drawing of	correction filed, which has be	een approved by the E	xaminer.						
(c) including changes required by the attached Examiner	s Amendment / Comment or in the C	Office action of Paper	No						
Identifying indicia such as the application number (see 37 CFR 1. each sheet.	84(c)) should be written on the drawin	gs in the front (not the	back) of						
9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.									
Attachment(s)									
 1⊠ Notice of References Cited (PTO-892) 3□ Notice of Draftperson's Patent Drawing Review (PTO-948) 5□ Information Disclosure Statements (PTO-1449), Paper No	2☐ Notice of Informa 4☐ Interview Summa 6☐ Examiner's Amer 8⊠ Examiner's State 9☐ Other	ary (PTO-413), Paper ndment/Comment	No						

DETAILED ACTION

Allowable Subject Matter

Claims 1-9 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest a spectral ellipsometer where the illuminating optical system is color-corrected. The PG Pub to Otsuki et al teaches a spectral ellipsometer without chromatic aberrations, but is not considered prior art, since it has a later filing date.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott J. Sugarman whose telephone number is (703)308-4821.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9318 for regular communications and (703)872-9319 for After Final communications.

Art Unit: 2873

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Scott J. Sugarman Primary Examiner Art Unit 2873

sjs May 5, 2003